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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,831	09/22/2005	Roland Frans Cyrille Vanblaeze	25943-0004US1	9025
26161 7590 03/04/2010 FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER				
JACYNA, J CASIMER				
ART UNIT		PAPER NUMBER		
3754				
NOTIFICATION DATE		DELIVERY MODE		
03/04/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

# Office Action Summary

**Application No.**

10/542,831

**Applicant(s)**

VANBLAERE ET AL.

**Examiner**

J. Casimer Jacyna

**Art Unit**

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) 5, 7-13, 22, 23, 29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 14-21, 24-27 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

1. Claims 5, 7-13, 22, 23, 29 and 30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/1/2008.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-4, 6, 14-21, 24, 26, 27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 42 41 074 in view of van't Hoff 6,616,017. The embodiment of figure 1 of DE discloses a pressure package system including a product chamber 1, a working pressure chamber located between the wall attached to 7 and 3, a reservoir high pressure propellant chamber 4, and a pressure controller 5 the upper portion of which is disposed within the high pressure chamber 4 as claimed, a movable wall as is 3 in figure 1 with the side of 3 facing 7 bounding the working pressure chamber and the opposite side of 3 bounding the product chamber 1 substantially as claimed, but does not disclose the pressure controller to include a reference pressure chamber. However, Hoff teaches another pressure package system also including a product chamber 55, a working propellant chamber 56, an expandable wall 1, wherein the device is designed to have the pressure in 56 recover after dispensing to return to a predetermined or working pressure as disclosed on column 7, lines 35-48, (note column 6, line 62, to column 7, line 48), therefore a substantially constant working pressure will be maintained in 56 as claimed, a reservoir propellant chamber 4 wherein the pressure controller 10 includes a reference pressure chamber 6 for the purpose of more accurately controlling the working pressure. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the pressure controller of DE with a reference pressure chamber

as, for example, taught by Hoff in order to more accurately control the working pressure. In regard to claims 15 and 16, DE teaches the use of nitrogen on page 2, line 20, of the translation.

4. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 42 41 074 in view of van't Hoff 6,616,017 as applied to claim 1 above, and further in view of Lippman et al. 5,423,454. DE discloses a pressure package system substantially as claimed but does not disclose the pressure package to be plastic. However, Lippman teaches another pressure package system having a plastic pressure package as disclosed on column 10, lines 4-10, that is made from plastic for the purpose of providing a suitable material that is lightweight and corrosion resistant. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of DE with a plastic pressure package as, for example, taught by Lippman in order to provide a suitable material that is lightweight and corrosion resistant.

5. Claims 1-4, 6, 14-21, 24, 26, 27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 42 41 074 in view of Couffer 3,228,559. The embodiment of figure 1 of DE discloses a pressure package system including a product chamber 1, a working pressure chamber located between the wall attached to 7 and a flexible wall as is plunger 3 in figure 2, a high pressure chamber 4, and a pressure controller 5 the upper portion of which is disposed within the high pressure chamber 4 as claimed. Therefore, DE discloses a pressure package system substantially as claimed but does not disclose the pressure controller to have a reference pressure chamber. However, Couffer another pressure controller having reference pressure chamber 13 for the purpose of attaining substantially constant and adjustable working pressure in the combined working pressure and product chamber. Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to provide the system of DE with a reference pressure chamber as, for example, taught by Couffer in order to attain a substantially constant and adjustable working pressure in the working pressure chamber. In regard to claims 13 and 14, DE teaches the use of nitrogen on page 2, line 20, of the translation.

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 42 41 074 in view of Couffer 3,228,559 as applied to claim 1 above and further in view of Lippman et al. 5,423,454. DE discloses a pressure package system substantially as claimed but does not disclose the pressure package to be plastic. However, Lippman teaches another pressure package system having a plastic pressure package as disclosed on column 10, lines 4-10, that is made from plastic for the purpose of providing a suitable material that is lightweight and corrosion resistant. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of DE with a plastic pressure package as, for example, taught by Lippman in order to provide a suitable material that is lightweight and corrosion resistant.

7. Applicant's arguments filed 1/20/2010 have been fully considered but they are not persuasive. Applicant contends that Richter does not disclose holding a substantially constant working pressure. However, the rejection is an obviousness rejection and Hoff teaches adding a reference pressure chamber to the pressure controller for the purpose of holding a substantially constant working pressure. The upper portion of the pressure controller of Richter adjacent numeral 6 in figure 2 is disposed in the high pressure chamber. The claims do not define whether or not the entire pressure controller is in the high pressure chamber and Richter does dispose the upper portion of the pressure controller in the high pressure chamber as claimed.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-4889. The examiner can normally be reached on Mon. thru Fri. 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Casimer Jacyna/  
Primary Examiner, Art Unit 3754